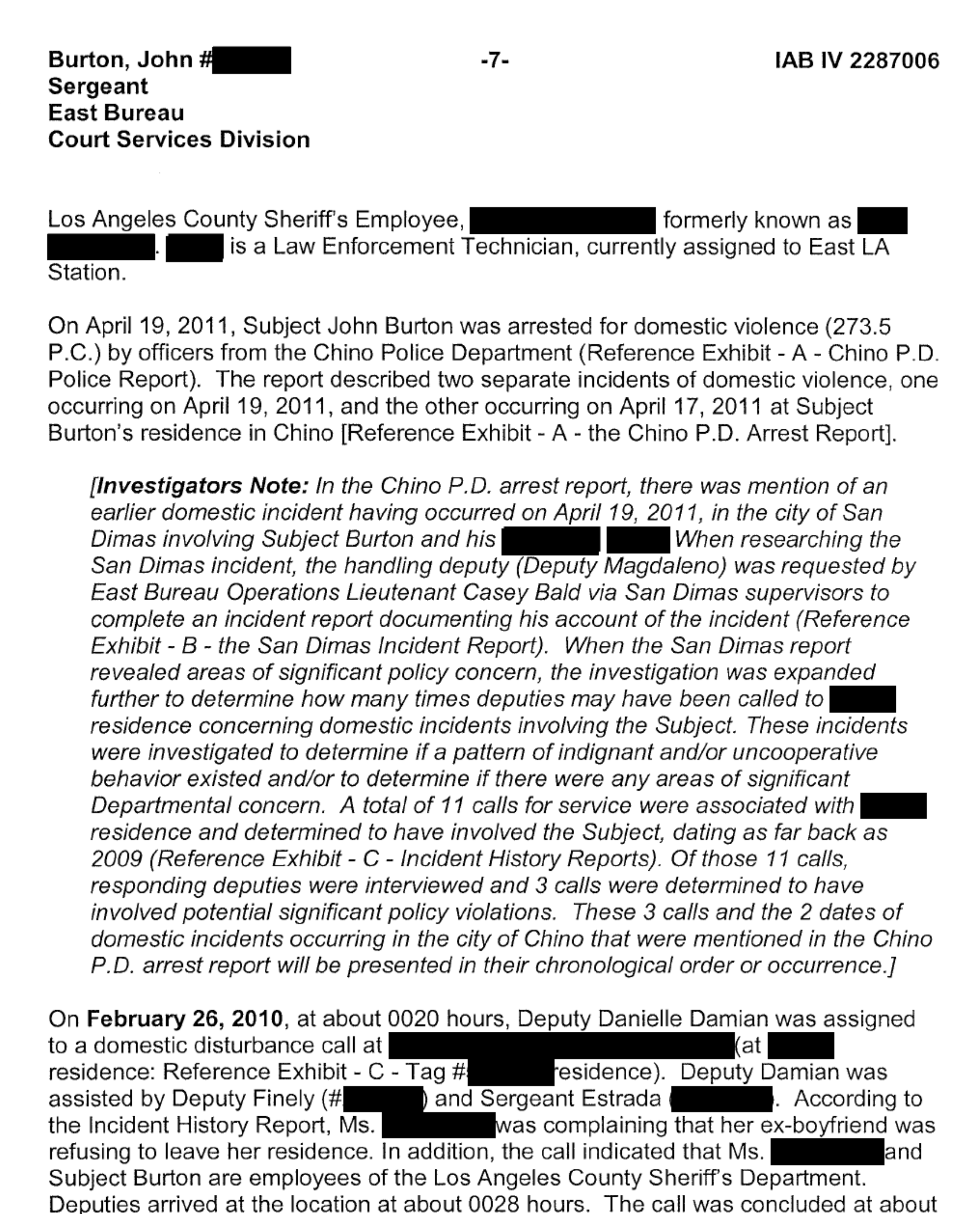
CASE SUMMARY

Subject John Burton is [redacted] to [redacted] and they have [redacted], [redacted] and [redacted] During the past five years of his [redacted] Subject Burton has been involved in a [redacted] with a

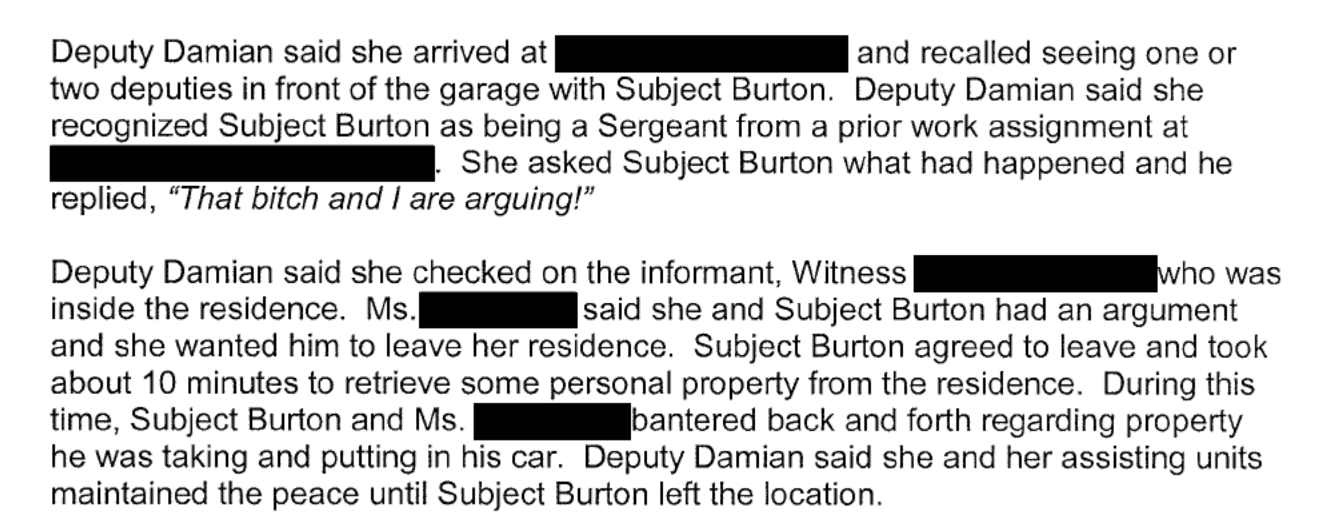


Los Angeles County Sheriff's Employee, [redacted] formerly known as [redacted]. [redacted] is a Law Enforcement Technician, currently assigned to East LA Station.

On April 19, 2011, Subject John Burton was arrested for domestic violence (273.5 P.C.) by officers from the Chino Police Department (Reference Exhibit - A - Chino P.D. Police Report). The report described two separate incidents of domestic violence, one occurring on April 19, 2011, and the other occurring on April 17, 2011 at Subject Burton's residence in Chino [Reference Exhibit - A - the Chino P.D. Arrest Report].

> *[**Investigators Note:** In the Chino P.D. arrest report, there was mention of an earlier domestic incident having occurred on April 19, 2011, in the city of San Dimas involving Subject Burton and his [redacted], [redacted] When researching the San Dimas incident, the handling deputy (Deputy Magdaleno) was requested by East Bureau Operations Lieutenant Casey Bald via San Dimas supervisors to complete an incident report documenting his account of the incident (Reference Exhibit - B - the San Dimas Incident Report). When the San Dimas report revealed areas of significant policy concern, the investigation was expanded further to determine how many times deputies may have been called to [redacted] residence concerning domestic incidents involving the Subject. These incidents were investigated to determine if a pattern of indignant and/or uncooperative behavior existed and/or to determine if there were any areas of significant Departmental concern. A total of 11 calls for service were associated with [redacted] residence and determined to have involved the Subject, dating as far back as 2009 (Reference Exhibit - C - Incident History Reports). Of those 11 calls, responding deputies were interviewed and 3 calls were determined to have involved potential significant policy violations. These 3 calls and the 2 dates of domestic incidents occurring in the city of Chino that were mentioned in the Chino P.D. arrest report will be presented in their chronological order or occurrence.]*

On **February 26, 2010**, at about 0020 hours, Deputy Danielle Damian was assigned to a domestic disturbance call at [redacted] (at [redacted] residence: Reference Exhibit - C - Tag #[redacted]esidence). Deputy Damian was assisted by Deputy Finely (#[redacted]) and Sergeant Estrada [redacted]. According to the Incident History Report, Ms. [redacted] was complaining that her ex-boyfriend was refusing to leave her residence. In addition, the call indicated that Ms. [redacted] and Subject Burton are employees of the Los Angeles County Sheriff's Department. Deputies arrived at the location at about 0028 hours. The call was concluded at about 0044 hours and was cleared as a *"verbal disturbance only."*



Deputy Damian said she arrived at [redacted] and recalled seeing one or two deputies in front of the garage with Subject Burton. Deputy Damian said she recognized Subject Burton as being a Sergeant from a prior work assignment at [redacted]. She asked Subject Burton what had happened and he replied, *"That bitch and I are arguing!"*

Deputy Damian said she checked on the informant, Witness [redacted] who was inside the residence. Ms. [redacted] said she and Subject Burton had an argument and she wanted him to leave her residence. Subject Burton agreed to leave and took about 10 minutes to retrieve some personal property from the residence. During this time, Subject Burton and Ms. [redacted] bantered back and forth regarding property he was taking and putting in his car. Deputy Damian said she and her assisting units maintained the peace until Subject Burton left the location.

During the incident, Deputy Damian said Subject Burton was sarcastic and disrespectful toward her. She said, at times Subject Burton would ignore her questions and respond harshly to her, causing her to believe Subject Burton was annoyed that a younger female deputy was questioning him. In addition, Subject Burton would not stand where she directed him to and instead continued to move around the property. Although Subject Burton was angry, he was not "aggressive" towards her or the other deputies. However, she believed some of his actions were due to his embarrassment that Law Enforcement was called to the scene. Knowing Subject Burton was a supervisor with the Los Angeles County Sheriff's Department, she was surprised by his disrespectful behavior. When asked if Subject Burton was uncooperative with her assisting deputies, she said she could not remember.

> *[**Investigator's Note**: When questioned about this incident (Tag #5, occurring at 0019 hours), Sergeant Burton did not have any recollection of it. He described a call later that same date (Tag #216 occurring at 2036 hours) for which there were no policy violations believed to have occurred. (Reference Tag numbers 5 and 216 contained in Exhibit C.) The Subject said he remembered this as it was the same date he had injured his Achilles tendon. The Subject had no recollection of this earlier call for service that date (Tag #5).]*

On **May 25, 2010**, at about 0108 hours, Deputy Damian was assigned a domestic disturbance call at [redacted] (Reference Exhibit C - Tag #9). Deputy Damian was assisted by Deputy William Clark (#[redacted]) and Sergeant Peter Shupe (#[redacted]). According to the Incident History Report, Deputies were summoned to the location by Ms. [redacted] to keep the peace regarding Subject Burton retrieving property from the residence. Deputies arrived at the location at

about 0120 hours. The call was concluded at about 0156 hours after Subject Burton collected property and left the location. Deputy Damian described the Subject's demeanor as being "out of control." When asked to explain further, Deputy Damien explained that (similar to the previous call of February 26, 2010) the Subject refused her order to stop where she could detain and further investigate the incident. She said she had to follow Subject Burton up and down the outside stairwell trying to get him to stop and talk with her, but he refused and exclaimed *"We just got in an argument!"* Deputy Damian did not force Subject Burton to stop because she did not want to cause any further confrontation and stated, "I can't force him, he's a big man."

Deputy Damian was asked if she felt delayed when he refused her order to stop and talk with her. She said, "Yes." She explained that she was trying to determine if any domestic violence had occurred, as [redacted] had told her that the two of them had been "fighting", but due to his uncooperativeness, she was unable to obtain any further information from the Subject.

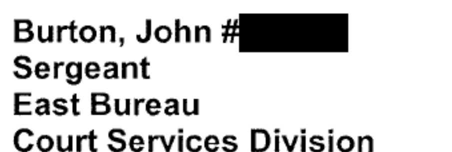
The Subject stated that he did not remember having responded to Deputy Damian in a harsh tone of voice. However, he did acknowledge that he ignored her during the call. When asked further about this, he said his ignoring of Deputy Damian only concerned his decision to take his DVD player from the house.

Sergeant Shupe supported Deputy Damien's account of Subject Burton's demeanor stating that the Subject's "attitude wasn't the greatest" that Subject Burton "kind of acted like we weren't even there" and that he "kind of just ignored (Deputy Damian)." Sergeant Shupe characterized Subject Burton's demeanor as "like hey, I'm on the Department too, I don't have to listen to you." He went on to say that Subject Burton treated them like they were "invisible."

Sergeant Shupe stated the Subject refused to comply with their orders (at least 2 or more times) to no longer enter the house to retrieve items. Instead, the Subject continued to go into the house anyway. Sergeant Shupe confirmed Deputy Damian's account that Subject Burton's uncooperative attitude delayed in the handling of this call. He estimated Sergeant Burton delayed them by approximately 20 minutes.

The Subject's arrest by officers from the Chino Police Department on April 19, 2011, stemmed from events told to them that date by the Subject's [redacted] [redacted] said to have occurred on **April 17, 2011**.

According to Officer [redacted] arrest report, [redacted] alleged that she was physically assaulted by Subject [redacted]. According to Officer [redacted] written report



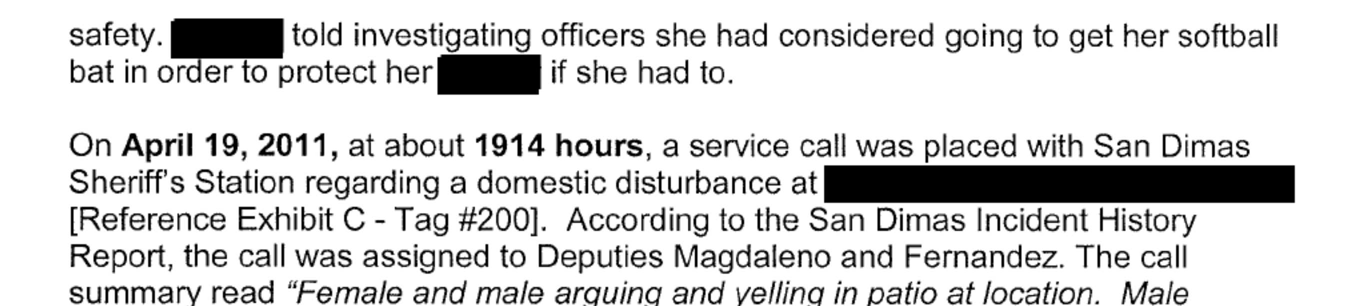
[Reference Exhibit A], she and Subject Burton had an argument about the Subject's [redacted] [redacted] while at home inside the kitchen. Subject Burton was angry and purposefully knocked the coffee pot off the kitchen counter, causing it to shatter and spill coffee on the tiled kitchen floor. He then picked up a jar of mustard and threw it on the kitchen floor, causing it to shatter and spill mustard on the floor. Subject Burton admitted to Officer [redacted] that he was mad and admitted to breaking the coffee pot and mustard jar. Subject Burton told Officer [redacted] this is what he does, he breaks things. During Subject Burton's audio recorded interview, he admitted to breaking the coffee pot out of anger, but could not recall breaking the mustard jar.

Upon separating the parties on the April 19th call, Sergeant [redacted] spoke with [redacted] and described her as being extremely hesitant and "really afraid of what might happen to (Subject Burton) with his employment" as a peace officer, as it related to this incident. When Sergeant [redacted] asked [redacted] if there had been any physical violence, [redacted] hesitated then stated, "Ya, but I know what will happen." Sergeant [redacted] continued to discuss with [redacted] how important it was to determine the truth in this matter. Sergeant [redacted] said "eventually she told me 'Ya, he threw me down on the floor in the kitchen area'" referring to their argument two days prior on April 17, 2011. Sergeant [redacted] found [redacted] to seem very credible.

When reporting the incident to Officer [redacted], after her initial statements to Sergeant [redacted] said was standing in the kitchen barefoot, said she attempted to calm Subject Burton down, when they grabbed each other. She then put her hands up toward the Subject when he pushed her, causing her to slip on the wet surface and fall to the ground. [redacted] stated that after having been pushed by the Subject she stated, "Touch me again mother fucker and I'll call the cops."

The fall caused by Subject Burton's push, caused bruising to [redacted] right hand and forearm [Reference Exhibit D - pictures of [redacted] Burton's injuries]. [redacted] also claimed she slipped and fell on the wet surface a second time when cleaning the spilt coffee and mustard; however, [redacted] alleged the bruising was a result of the first slip and fall caused in part by Subject Burton pushing her. In his conversation with Deputy [redacted] on April 19, 2011, Subject Burton denied having pushed [redacted] In his Subject interview, the Subject denied having touched [redacted] during their argument.

The Subject's [redacted] [redacted] told officers the Subject struck the kitchen wall with his hand during his argument with [redacted] claimed the Subject punched the kitchen refrigerator but made no mention of the Subject having struck the wall. [redacted] believed the Subject was so angry as to cause her concern for her [redacted] [redacted]



safety. [redacted] told investigating officers she had considered going to get her softball bat in order to protect her [redacted] if she had to.

On **April 19, 2011,** at about **1914 hours**, a service call was placed with San Dimas Sheriff's Station regarding a domestic disturbance at [redacted] [Reference Exhibit C - Tag #200]. According to the San Dimas Incident History Report, the call was assigned to Deputies Magdaleno and Fernandez. The call summary read *"Female and male arguing and yelling in patio at location. Male threatening to break female's window."*

According to Deputy Magdaleno's written report, and his Witness interview statements, he arrived at [redacted] and saw a male, he later identified as Subject John Burton, walking around his truck and yelling into his cellular telephone. Subject Burton looked in his direction, appeared to have seen his approaching radio car, and then entered his truck and started the engine. Deputy Magdaleno illuminated his truck with his spot lamp and ordered him, via his P.A. system, to turn his vehicle off and remain inside the car, to which the Subject complied.

Deputy Magdaleno said he and his assisting unit, Deputy Fernandez, approached Subject Burton's truck and contacted him at his driver's door. Subject Burton was ordered to step out of his truck. Subject Burton hesitated, but eventually complied with Deputy Magdaleno's orders, by yelling, *"I am a Fuckin' Sergeant!"* Deputy Magdaleno then reissued his orders for Subject Burton to exit his truck. As Subject Burton began to step out, he yelled *"Did you hear what I Fuckin said! I'm Sergeant Burton from Bellflower Court!"*

During his Subject interview, Subject Burton stated Deputy Magdaleno gave him repeated orders to keep his hands on the steering wheel while he was seated in the truck. Subject Burton did not believe he should have been subjected to keeping his hands on the steering wheel as directed, after having verbally identified himself to the deputies as a Sergeant. When repeatedly asked if he had shown his identification to the deputies, Subject Burton initially stated he believed he did, but later stated Deputy Magdaleno accepted his identity at his word. He emphasized he was upset by Deputy Magdaleno's orders to keep his hands on the steering wheel. However, toward the end of the Subject interview, Subject Burton acknowledged that Deputy Magdaleno followed the standard protocols in handling the call and stated that Deputy Magdaleno "was nothing but polite."

The Subject's actions and statements that he was a sergeant had an intimidating effect upon the deputies. Deputy Magdaleno stated he felt "uneasy" about the

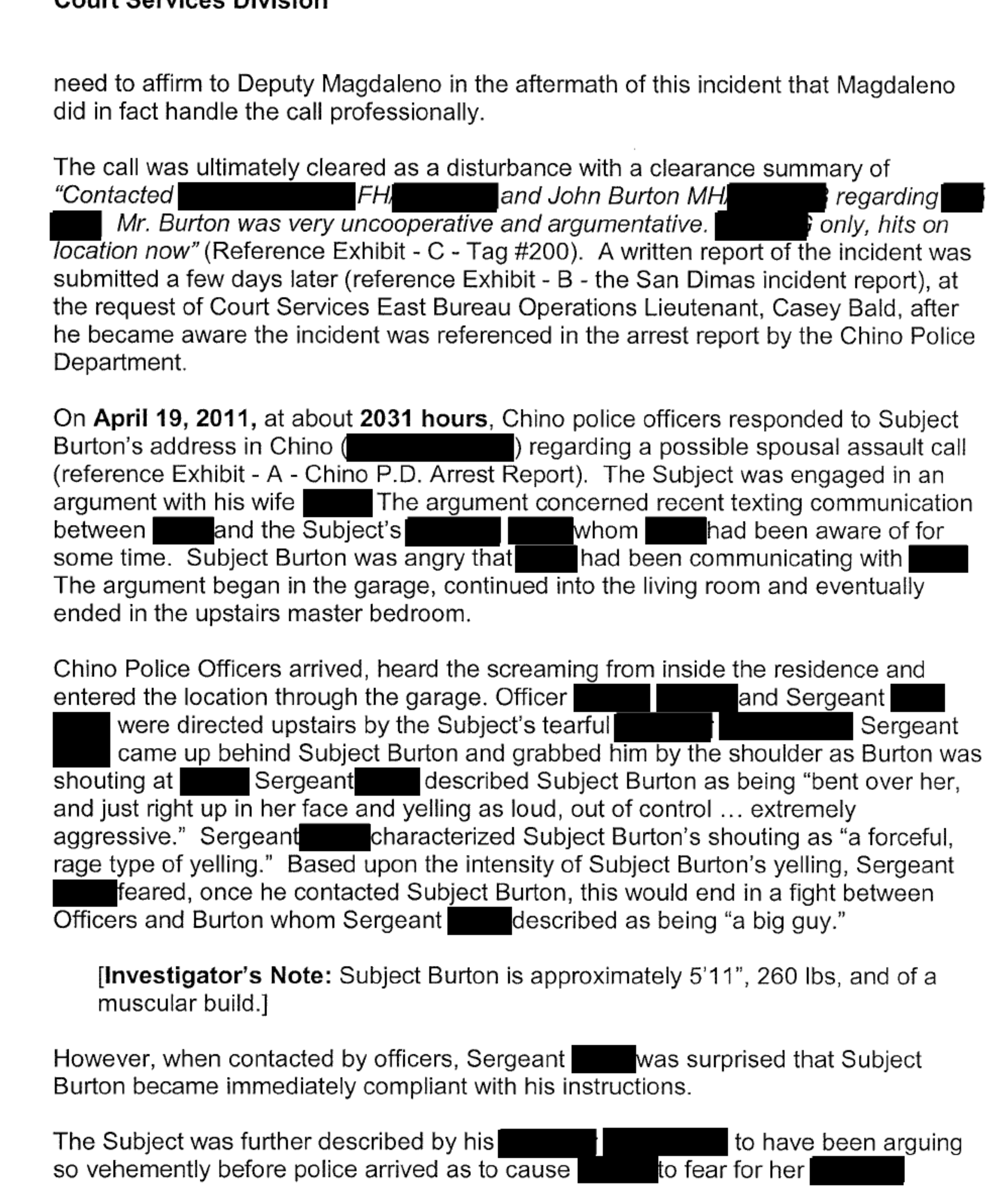
situation and didn't have control insofar as being able to determine who the Subject was due to the Subject's hostile behavior. Deputy Fernandez stated that the Subject's hostility kept them from immediately verifying the Subject's identification and conducting a pat down (weapons search) of him as they would otherwise have done with others under similar circumstances.

After Subject Burton exited his truck, he was directed to wait with Deputy Fernandez by the patrol cars while Deputy Magdaleno contacted [redacted] At this point, Deputy Magdaleno believed Subject Burton's initial behavior hindered his ability to resolve the incident in a more timely and efficient manner. He said what took 5-10 minutes should have only taken seconds or minutes with a cooperative person. Deputy Fernandez estimated the delay as being 3 to 4 minutes. During Subject Burton's Subject interview, he admitted his behavior probably delayed the deputies in the handling of this incident but he did not provide a time estimate of the delay.

After speaking with [redacted] Deputy Magdaleno determined the domestic disturbance was only a verbal altercation and that [redacted] wanted Subject Burton to leave her residence. Deputy Magdaleno re-contacted Subject Burton and explained that he needed to leave the location as demanded by [redacted] During their discussion Subject Burton belittled Deputy Magdaleno and his handling of the call by directing disparaging comments to him either stating exactly, or words to the effect of, *"Did you just get off Fuckin' training!", "Don't you know I am a Fuckin' sergeant that works Bellflower Court!",and "Can't you tell by my Fuckin' flat top that I am a Fuckin' Sergeant!"* Deputy Magdaleno stated that Subject Burton was "in my face yelling" in "close proximity" "yelling and screaming" at "the top of his lungs."

Prior to releasing Subject Burton from his detention, Deputy Magdaleno verbally obtained Subject Burton's name and date of birth. As Deputy Magdaleno wrote this information in his notebook, Subject Burton entered his truck and drove away without permission. Deputy Magdaleno had yet to complete his investigation and believed Subject Burton, particularly as a Sergeant, should have known he was still being detained as Magdaleno had yet to formally verify Subject Burton's identification and law enforcement status by obtaining his California Driver's License and Department identification. However, Deputy Magdaleno acknowledged that he did not expressly tell Subject Burton to stop when he got in his truck and drove away, but he never told Subject Burton he was free to leave either.

Both Deputy Magdaleno and Deputy Fernandez felt intimidated by Subject Burton. Deputy Fernandez felt Magdaleno was so impacted and "confused" by Subject Burton's inappropriate behavior as a Sergeant on our Department, that he felt the



need to affirm to Deputy Magdaleno in the aftermath of this incident that Magdaleno did in fact handle the call professionally.

The call was ultimately cleared as a disturbance with a clearance summary of *"Contacted [redacted] FH/[redacted] and John Burton MH/[redacted] regarding [redacted] Mr. Burton was very uncooperative and argumentative. [redacted] only, hits on location now"* (Reference Exhibit - C - Tag #200). A written report of the incident was submitted a few days later (reference Exhibit - B - the San Dimas incident report), at the request of Court Services East Bureau Operations Lieutenant, Casey Bald, after he became aware the incident was referenced in the arrest report by the Chino Police Department.

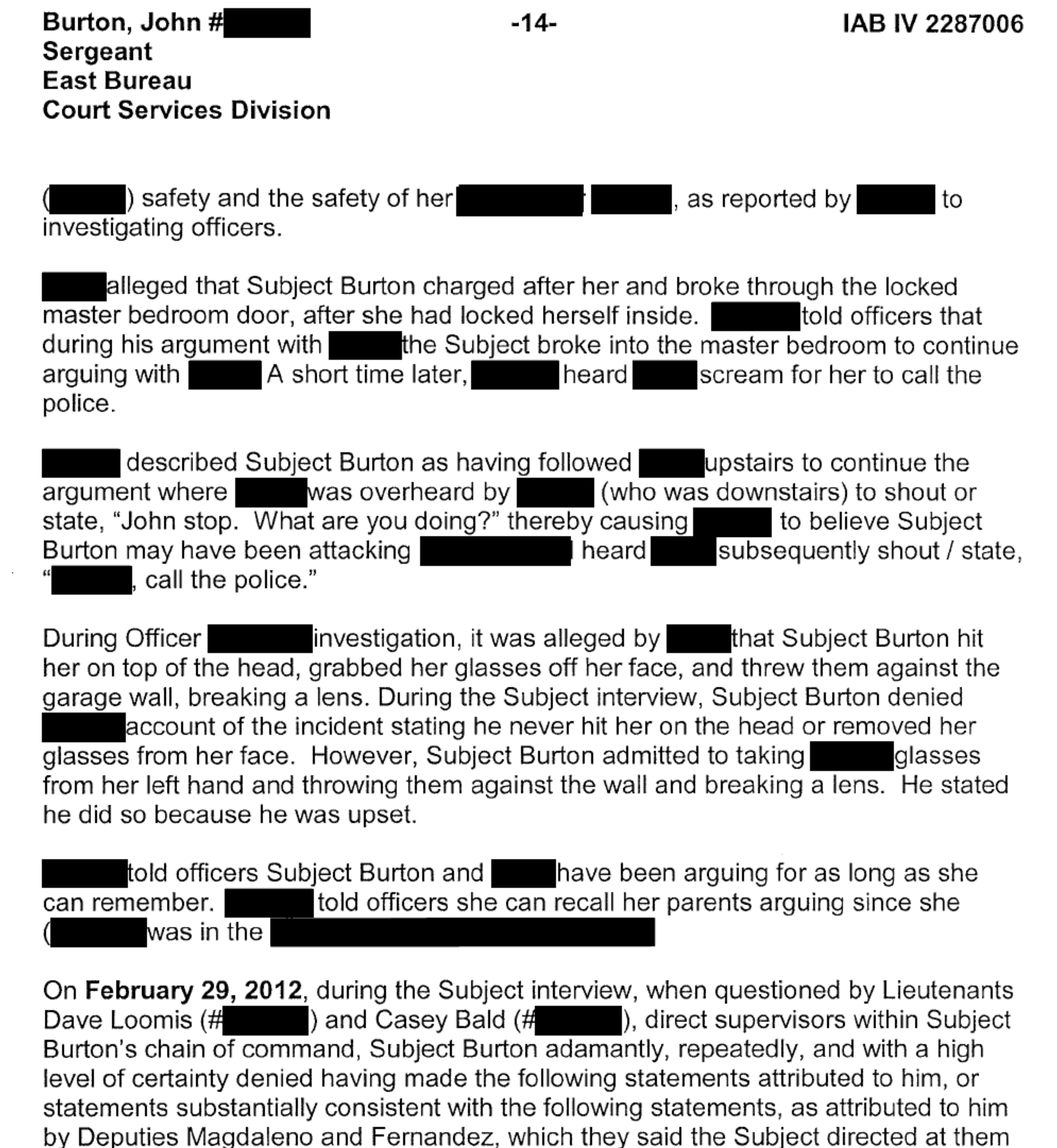
On **April 19, 2011,** at about **2031 hours**, Chino police officers responded to Subject Burton's address in Chino ([redacted]) regarding a possible spousal assault call (reference Exhibit - A - Chino P.D. Arrest Report). The Subject was engaged in an argument with his wife [redacted] The argument concerned recent texting communication between [redacted] and the Subject's [redacted] whom [redacted] had been aware of for some time. Subject Burton was angry that [redacted] had been communicating with [redacted] The argument began in the garage, continued into the living room and eventually ended in the upstairs master bedroom.

Chino Police Officers arrived, heard the screaming from inside the residence and entered the location through the garage. Officer [redacted] and Sergeant [redacted] were directed upstairs by the Subject's tearful [redacted] Sergeant [redacted] came up behind Subject Burton and grabbed him by the shoulder as Burton was shouting at [redacted] Sergeant [redacted] described Subject Burton as being "bent over her, and just right up in her face and yelling as loud, out of control ... extremely aggressive." Sergeant [redacted] characterized Subject Burton's shouting as "a forceful, rage type of yelling." Based upon the intensity of Subject Burton's yelling, Sergeant [redacted] feared, once he contacted Subject Burton, this would end in a fight between Officers and Burton whom Sergeant [redacted] described as being "a big guy."

> [**Investigator's Note:** Subject Burton is approximately 5'11", 260 lbs, and of a muscular build.]

However, when contacted by officers, Sergeant [redacted] was surprised that Subject Burton became immediately compliant with his instructions.

The Subject was further described by his [redacted] to have been arguing so vehemently before police arrived as to cause [redacted] to fear for her [redacted]



([redacted]) safety and the safety of her [redacted] [redacted], as reported by [redacted] to investigating officers.

[redacted] alleged that Subject Burton charged after her and broke through the locked master bedroom door, after she had locked herself inside. [redacted] told officers that during his argument with [redacted] the Subject broke into the master bedroom to continue arguing with [redacted] A short time later, [redacted] heard [redacted] scream for her to call the police.

[redacted] described Subject Burton as having followed [redacted] upstairs to continue the argument where [redacted] was overheard by [redacted] (who was downstairs) to shout or state, "John stop. What are you doing?" thereby causing [redacted] to believe Subject Burton may have been attacking [redacted] heard [redacted] subsequently shout / state, "[redacted], call the police."

During Officer [redacted] investigation, it was alleged by [redacted] that Subject Burton hit her on top of the head, grabbed her glasses off her face, and threw them against the garage wall, breaking a lens. During the Subject interview, Subject Burton denied [redacted] account of the incident stating he never hit her on the head or removed her glasses from her face. However, Subject Burton admitted to taking [redacted] glasses from her left hand and throwing them against the wall and breaking a lens. He stated he did so because he was upset.

[redacted] told officers Subject Burton and [redacted] have been arguing for as long as she can remember. [redacted] told officers she can recall her parents arguing since she ([redacted] was in the [redacted]

On **February 29, 2012**, during the Subject interview, when questioned by Lieutenants Dave Loomis (#[redacted]) and Casey Bald (#[redacted]), direct supervisors within Subject Burton's chain of command, Subject Burton adamantly, repeatedly, and with a high level of certainty denied having made the following statements attributed to him, or statements substantially consistent with the following statements, as attributed to him by Deputies Magdaleno and Fernandez, which they said the Subject directed at them on April 17, 2011.

- "I am a Fuckin' sergeant"; and/or
- "I am a Fuckin sergeant out of Bellflower Court"; and/or
- "Did you hear what I Fuckin' said, I'm Sergeant Burton from Bellflower Court"; and/or

- "Did you just get off Fuckin' training?" and/or
- "Didn't you Fuckin' hear me tell you that I am a Fuckin' Sergeant that works out of Bellflower?" and/or
- "Can't you tell by my Fuckin' flat top haircut that I am a Fuckin' Sergeant?"

When he was initially asked by Lieutenant Bald if he directed any profanity towards the deputies during this incident at all, Subject Burton stated:

"Not that I recall."

When questioned later by Lieutenant Loomis and informed by Loomis of the above quotations that were attributed to him by Deputy Magdaleno in Magdaleno's incident report, Subject Burton stated with a high degree of certainty and confidence:

"I *never* said that." (referring to any or all of the above quotations attributed to him.)

Subject Burton conveyed he was so certain he did not make the statements attributed to him, that he stated two more times as this issue was being discussed:

"No, I *never* said that" and "No, I *never* said that." (referring to any or all of the above quotations attributed to him.)

When questioned further as to why Deputy Magdaleno may have attributed the above referenced statements to him if he didn't say them, Subject Burton said:

"I, may have sworn, but I *never*, I *never*, said, 'I'm a *Fucking* sergeant.'"

When asked by Lieutenant Bald if he thought he swore, what his statement may have been, Subject Burton said,

"No, I don't, but I'm, just gonna assume, that I did use profanity, but I, I *never* said that. That's not how I talk."

When advised that Deputy Fernandez had a similar account of Subject Burton's statements where the word "Fuckin'" or "Fucking" were used, Subject Burton stated:

"I don't remember saying that. In that ... like I said, I'm sure I ... clearly, I must have used profanity. I just don't ever remember saying that. I remember saying,

'Bull', I remember saying, 'This is bullshit' because I felt I was being treated unfairly. But, I ... I don't remember saying that to Fernandez."

When confronted with how adamant he was in denying Deputy Magdaleno's account of his statements, before being confronted with Deputy Fernandez' similar account, Subject Burton stated:

"Well, I, I guess I must have, but I gotta be frank with you, I don't remember saying that. I, I, don't remember saying that."

When confronted by Lieutenant Bald, about how Lieutenant Bald would have remembered making such a significant comment had he made it himself, Subject Burton stated:

"No, I don't remember saying, 'I'm a *Fucking* sergeant, don't you know who I'... I, have never said that to anybody in my life. I guess I must have then. I, I, I don't remember saying that like that."

When shown Deputy Magdaleno's incident report (reference Exhibit - B - San Dimas incident report) by Lieutenant Loomis, and when going over the report paragraph by paragraph to determine if Subject Burton did or didn't make the statements attributed to him by Deputy Magdaleno, Subject Burton denied having made the statements found on page #4, paragraphs #2 and #3. When asked about the first two statements attributed to him ("I am a Fuckin' sergeant" and "I'm a Fuckin sergeant out of Bellflower Court") Subject Burton stated:

"That is not what happened. First of all, I would never... I never talked to him in that manner." Subject Burton went on to say, "I didn't say that." He added, "I, I remember what I said, I said, 'I'm a sergeant *for Christ's sake*.' 'cause I had already identified myself. I never said that." He went on to repeat again, that he never said that.

When questioned about the third statement in that segment of the report ("Did you hear what I Fuckin' said, I'm Sergeant Burton out of Bellflower Court") Subject Burton stated:

"I never said, 'I'm... did you hear what I said.' I didn't say that. I said, 'I'm, I'm a sergeant, I'm from Bellflower Court' 'cause, he was asking me where I ... my unit of assignment. I told him where I worked."

When questioned about the statement attributed to him on page #6, paragraph #2 of the incident report ("Did you just get off Fuckin' training?") Subject Burton stated:

> "I never said 'Fuckin' training.'" Subject Burton claimed he said, "Did you just get off of training?"

Lieutenant Loomis confronted Subject Burton once again with Deputy Magdaleno's account that Subject Burton did in fact direct the statement to him "Did you get off Fuckin' training?" When asked directly if he made this statement, Subject Burton stated:

> "No."

When asked if he made the statement "Didn't you Fuckin' hear me tell you that I'm a Fuckin' sergeant that works out of Bellflower?" Subject Burton stated:

> "I never said that."

When questioned about the statement attributed to him on page #6, paragraph #3 of the incident report ("Can't you tell by my Fuckin' flat top haircut that I'm a Fuckin' sergeant?") Subject Burton stated:

> " I never said, I never said … I never swore there. I said, 'Can't you tell by the haircut?' Yeah, I remember saying that. I never swore."

When advised by Lieutenant Loomis that Deputy Fernandez shared the same account as Deputy Magdaleno as to the statements made by Subject Burton and asked his thoughts on the matter, Subject Burton stated:

> "I definitely said, ' Did you just get off training?' I, I definitely said that and I definitely said, 'Can't you tell, can't you tell by the *damn* haircut?' No, but I never.." The Subject went on to say, : "Ya, I might've said for Christ's sakes too. Ya. That's the terminology I use, so…"

When pressed further by Lieutenant Bald about how there were a lot of times the word Fucking was said to be used by him, and whether or not he ever used that word at all, Subject Burton stated:

> "Oh, I'm sure, I'm sure I did as soon as he walked up, I'm, I'm sure I said … I started 'fuck' you know." Subject Burton said that he said the word "Fuck" to

himself, as a person might say "darn" to themselves when they stub their toe, but denied again that he ever directed the word "Fuck" toward the deputies.

During his interview, Subject Burton went continuously emphasized with a high degree of certainty, that he never said the word "Fuckin" or "Fucking" to Deputies Magdaleno or Fernandez as attributed to him. He emphasized this at one point in the interview by stating "That's not how I talk."

Subject Burton's statement stands in direct contradiction to both Deputy Magdaleno's and Deputy Fernandez' accounts of the incident, both of whom state that Subject Burton made each of the statements attributed to him in the incident report (reference Exhibit - B - San Dimas incident report) wherein the word "Fuckin'" or "Fucking" was repeatedly used by Subject Burton. Additionally, [redacted] the Subject's long-time girlfriend, stated Subject Burton uses profanity, including the word "Fucking", when he is angry which would contradict Subject Burton's statements to investigators "That's not how I talk."

*[**Investigator's Note:** Subject Burton's [redacted] declined to be interviewed for this administrative investigation. Also, Subject Burton respectfully declined to have his [redacted] interviewed for this administrative investigation. Their accounts of the incident were obtained via statements captured in the Chino P.D. investigative reports.]*

[redacted]

[redacted]

ASSESSMENT OF MITIGATING AND AGGRAVATING FACTORS

Severity of Infraction
The American public and the Department rightfully expect exemplary performance by law enforcement officers, in both obedience to laws and in their cooperation with other officers, if the highest levels of public trust and credibility are to be maintained. These expectations increase exponentially when the deputy has attained a position of authority / rank where (s)he represents the Department to a more significant degree and is expected to model the exemplary performance expected of the Department and in subordinates.

The series of domestic incidents in which the Subject was involved revealed significant anger management issues that led to his arrest for domestic violence and resulted in multiple incidents of delaying deputies in the performance of their duties, intimidating deputies by his rank, and/or disrespecting deputies in his interaction with them. Such behavior is unacceptable as a Department member and aggravated when it was displayed by a Sergeant.

The Subject's actions brought discredit / embarrassment upon himself, the Department, and caused multiple subordinates to feel intimidated while trying to investigate difficult calls for service involving a Department supervisor. One deputy

(Deputy Magdeleno) was reported as being so impacted and/or confused by the Subject's belittling of him, as a Department supervisor, that an assisting deputy (Deputy Fernandez) felt the need to affirm to him in an incident debriefing that he had handled the call very professionally.

Degree of Culpability
The offenses in this investigation were committed solely by the Subject.

Intent, Truthfulness and Acceptance of Responsibility
The Subject acknowledged that he has an anger-management problem for which he stated he has been involved in (unverified) counseling. However, the Subject was quick to minimize his responsibility for the April 19, 2011, incident involving Deputies Magdaleno and Fernandez. When initially informed of Deputy Magdaleno's account of the incident, in particular the profanity he directed toward the deputies, the Subject stated repeatedly with certitude that Deputy Magdaleno's account of the Subject's profane and disrespectful behavior was wrong. It was only when confronted with a second deputy's account (Deputy Fernandez), one that affirmed Deputy Magdaleno's version of the incident, when the Subject began to acknowledge particular areas of culpability. However, despite the accounts provided by the two deputies, the Subject remained adamant that he did not use the word "fucking" in addressing the deputies. It is preponderantly evident that the Subject was untruthful in his account and attempted to minimize his culpability by stating he used less antagonistic verbiage by stating, "I'm a sergeant *for Christ's sake*", "Did you just get off *damn* training", and "Can't you tell by my *damn* haircut?"

Past Performance and Discipline History
The Subject's last three performance evaluations were [redacted] However, the Subject had been moved from his full-time position at Bellflower Court to an equal assignment split between Bellflower and Downey Courts (where East Bureau Operations is located) in order to better monitor his performance and compliance with expectations from the East Bureau Unit Commander, Captain Anselmo Gonzalez (#[redacted]). The move was due to the Subject having been found to be repeatedly out of uniform, after previous admonitions, during his shift.

Determination of Discipline
Based upon the evidence in this case, an assessment of the Subject's statements, the severity of the infractions, the degree of his culpability, the range of discipline set forth in the Department's "Guidelines for Discipline", the mitigating and aggravating factors, the Subject's intent, truthfulness, acceptance of responsibility, and the Subject's past performance and discipline history, the following discipline has been determined to be

appropriate. This discipline is subject to revision upon receipt of the Subject's response or grievance.



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



April 18, 2012

Sergeant John Burton, #[redacted]

Dear Sergeant Burton:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Sergeant, Item No. 2717A, with this Department, effective the close of business May 9, 2012.

An investigation under IAB File Number 2287006, conducted by Court Services East Bureau, coupled with your own statements, has established the following:

1. That in violation of Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically as it pertains to Manual Section 2-02/080.00, Sergeants), on or about February 26, 2010, while off-duty, you failed to be courteous, respectful, and/or treat a member of this Department with dignity during your interaction with Deputy Danielle Damian (San Dimas station), as Deputy Damian handled a domestic dispute call involving you, as evidenced by but not limited to:

   a) being uncooperative, sarcastic and/or disrespectful toward Deputy Damien by ignoring her questions and/or directions to remain in a particular location as she attempted to investigate the incident, and/or;

   b) responding harshly and/or sarcastically to Deputy Damien when questioned about the incident.

2. That in violation of Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (as it relates to Manual Section 2-02/080.00, Sergeants), on or about May 25, 2010, while off-duty, you were uncooperative and/or disrespectful with the handling deputy (Deputy Danielle Damian) and/or the responding field sergeant (Sergeant Pete Shupe) of San Dimas station. Your actions caused a delay in the handling of a "keep the peace" call, concerning a domestic dispute involving you, as evidenced by but not limited to:

   a) ignoring and/or failing to take direction from the handling deputy (Deputy Danielle Damien) to stop and remain in one location while Deputy Damien attempted to determine if a crime had occurred, and/or;

   b) refusing the repeated directions of the field sergeant (Sergeant Shupe) and handling deputy (Deputy Danielle Damien), to no longer enter the house and/or retrieve items after you had been granted ample time to do so.

3. That in violation of Department's Manual of Policy and Procedures Sections 3-01/030.16 Family Violence; and/or 3-01/030.05, General Behavior, on or about April 17, 2011, while off-duty, you engaged in Criminal Domestic Violence and/or Non-Criminal Domestic violence, and/or abuse against [redacted] ([redacted]). You were subsequently arrested for spousal assault (273.5 P.C.) on April 17, 2011, as evidenced by but not limited to:

   a) knocking a coffee pot off the kitchen counter and breaking a jar of mustard on the kitchen floor during an argument with [redacted] resulting in [redacted] slipping and falling to the floor and/or bruising her right hand, right wrist, and right forearm area, and/or;

   b) striking a wall in the kitchen, during an argument with your [redacted] in such anger resulting in your [redacted], [redacted] concern for the physical welfare of [redacted] that she told investigating officers she had considered going to get her softball bat in order to protect [redacted], and/or words to that effect.

4. That in violation of Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.85, Derogatory Language; and/or 3-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically as it pertains to Manual Section 2-02/080.00, Sergeants), on or about April 19, 2011, while off-duty, you were contacted by responding San Dimas deputies regarding a domestic dispute call and failed to treat members of this Department (Deputy Ernest Magdaleno and/or Deputy Paul Fernandez) in a respectful manner, resulting in an undue delay of an on going investigation where you were a named suspect, as evidenced by but not limited to:

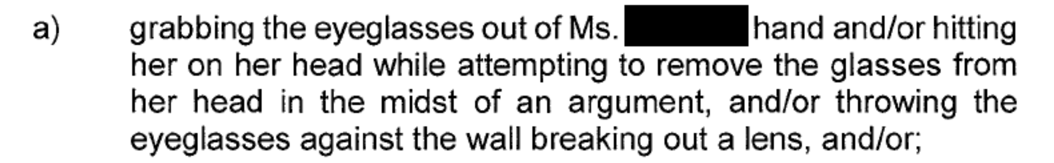
   a) directing profanities at the handling deputy (Deputy Ernest Magdaleno) when initially detained, by stating, "I am a Fuckin' sergeant!" and/or, "I'm a Fuckin' sergeant out of Bellflower Court!" and/or, "Did you hear what I Fuckin' said?? I'm Sergeant Burton from Bellflower Court!"; and/or words to that effect, and/or;

   b) unreasonably expecting preferential treatment, and/or causing deputies to repeat their orders, resulting in the delay of the investigation, and/or you specifically failing to keep your hands on the steering wheel, and/or;

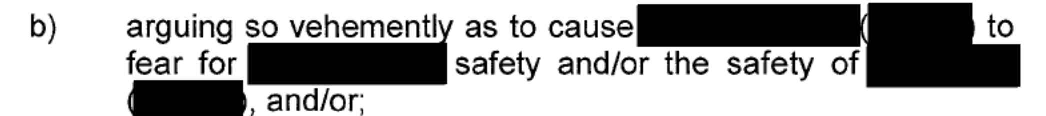
   c) unnecessarily delaying the deputies in their handling and/or investigating of the call for service, due to your uncooperative behavior, and/or;

   d) belittling Deputy Magdaleno, by stating and/or shouting, "Did you just get off Fuckin' training?" and/or "Didn't you Fuckin' hear me tell you that I am a Fuckin' sergeant, that works out of Bellflower?" and/or "Can't you tell by my Fuckin' flat top haircut that I am a Fuckin' sergeant?" and/or words to that effect.

5. That in violation of Department's Manual of Policy and Procedures Sections 3-01/030.16, Family Violence; and/or 3-01/030.05, General Behavior, on or about April 19, 2011, while off-duty, you engaged in Criminal Domestic Violence and/or Non-Criminal Domestic violence, when you assaulted and/or abused [redacted] ([redacted]) by placing her in reasonable apprehension of imminent serious bodily injury, as evidenced by but not limited to:



a) grabbing the eyeglasses out of Ms. [redacted] hand and/or hitting her on her head while attempting to remove the glasses from her head in the midst of an argument, and/or throwing the eyeglasses against the wall breaking out a lens, and/or;



b) arguing so vehemently as to cause [redacted] to fear for [redacted] safety and/or the safety of [redacted], and/or;

c) following [redacted] upstairs and continuing the argument where [redacted] was overheard by [redacted] (who was downstairs) to shout or state, "John stop. What are you doing?", and, "[redacted] call the police," and/or, words to that effect, and/or;

d) breaking into the locked bedroom door where Ms. [redacted] had retreated, while in the midst of you arguing with her, causing physical damage to the door, and/or;

e) being observed and described by a Chino Police Department sergeant (Sergeant John Vega) as you, "screaming at the top of your lungs" and "just screaming in her face" and "out of control," at Ms. [redacted] and/or words to that effect.

6. That in violation of Department's Manual of Policy and Procedures Sections 3-01/040.70, False Statements; and/or 3-01/040.75, Failure to Make Statements; and/or Making False Statements During Departmental Internal Investigations, on or about February 29, 2012, you made false and/or misleading statements to your supervisors, Lieutenants Dave Loomis and Casey Bald, when questioned during your Subject interview, as evidenced by but not limited to:

a) denying of having made the following statements, "I am a Fuckin' sergeant," and/or "I am a Fuckin' sergeant out of Bellflower Court," and/or "Did you hear what I Fuckin' said, I'm Sergeant Burton from Bellflower Court," and/or "Did you just get off Fuckin' training?" and/or "Didn't you Fuckin' hear me tell you that I am a Fuckin' sergeant that works out of Bellflower?" and/or "Can't you tell by my Fuckin' flat top haircut that I'm a Fuckin' sergeant?" and/or;

b) denying using the word "Fuckin'" or "Fucking" when directing comments toward investigating deputies on or about April 19, 2011, as indicated in Deputy Magdaleno incident report and/or affirmed by Deputy Fernandez.

Your conduct and behavior has brought discredit upon yourself and the Los Angeles County Sheriff's Department.

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Richard Barrantes on May 1, 2012, at 1000 hours, in his office, which is located at 1000 South Fremont Avenue, Bldg A 9E, 5th floor, Alhambra, California 91803. If you are unable to appear at the scheduled time and wish to schedule some other time prior to May 1, 2012, for your oral response, please call Chief Barrantes' secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Barrantes' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Barrantes' office by no later than May 1, 2012.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

John H. Clark, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JHC:ah

c: Advocacy Unit
Employee Relations Unit
Chief Richard Barrantes, Court Services Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2287006)

SETTLEMENT AGREEMENT

PRELIMINARY STATEMENT

This agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and John Burton, Employee Number [redacted]

RECITALS

The Department and John Burton are interested parties in the investigation under Internal Affairs Bureau No. 2287006. Both desire to resolve all disputes arising as the result of that investigation, to avoid litigation and further administrative process upon the terms and conditions hereinafter set forth.

NOW THEREFORE, the Department and John Burton for and in consideration of the mutual covenants herein, agree as follow:

1. The Department, upon execution of this agreement, will reduce the intended discharge to a demotion from the position of Sergeant, Item No. 2717A, to the position of Deputy Sheriff Generalist, Item No. 2708A, which he accepts without appeal. The Letter of Imposition shall contain the same charges as set forth in the Letter of Intent dated April 18, 2012.

2 Upon execution of this document, John Burton will be assigned to Court Services Division, Court Services East Bureau.

3. In addition, John Burton agrees, understands, and acknowledges that by signing this agreement, he may be eligible for reinstatement to the position of Sergeant, Item No. 2717A, after one (1) year from the date of execution of this agreement and with the concurrence of the Department. If John Burton is reinstated to the Sergeant position, he will not be entitled to receive any Sergeant back pay or benefits during the time period that he was a Deputy Sheriff.

4. Moreover, John Burton agrees to waive all rights in IAB Case Number 2287006, pursuant to Skelly v. State Personnel Board (1975) 15 Cal.3d 194 Cal.Rptr. 14.

5. John Burton agrees to waive any and all further administrative or judicial remedies with respect to the discipline as stated herein, including but not limited to the Los Angeles County Civil Service Commission or the Los Angeles County Employee Relations Commission.

6. The parties further agree that this settlement shall not be considered, cited or used in any future dispute between the Department and any other department employee as establishing precedent or past employment practice. This Agreement resolves the dispute between John Burton and the Department, and is not to be applied to any other facts or disputes.

7. In consideration of the terms and conditions set forth herein, John Burton agrees to fully release, acquit and forever discharge the County, their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and John Burton concerning the subject matter referred to herein. Additionally, John Burton specifically acknowledges that he has not been the subject of discrimination in any form, including but not limited to discrimination based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status or sex, and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known to him.

8. John Burton further agrees, with regard to this litigation, to relinquish and expressly waives all rights conferred upon her by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

9. The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

10. This agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy of facsimile transmission of the agreement, including signatures, shall be deemed to constitute evidence of the agreement having been executed.

11. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the effective date" of this agreement.

12. The parties agree that this is the complete settlement agreement and that no other promises have been made by either party. The parties further agree that no changes may be made to this settlement agreement unless both parties reduce the changes to writing and sign them.

13. Each party hereto represents and agrees that he/she or it has carefully read and fully understands all of the provisions of the Agreement, and that he/she or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Agreement.

I have read the forgoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences. I further acknowledge that I have been afforded the opportunity to consult with legal counsel prior to signing this agreement.

John H Burton 5/8/12

John Burton, #[redacted] Date

APPROVED AS TO FORM ONLY

James Cunningham, Esq.
Hayes & Cunningham, LLP

5/08/12
Date

FOR THE DEPARTMENT:

5-8-12

RICHARD J. BARRANTES, CHIEF
COURT SERVICES DIVISION
Date



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 10, 2012

Deputy John Burton, #[redacted]

Dear Deputy Burton:

On April 18, 2012, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's disciplinary action against you, as reported under File Number IAB 2287006. You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

The discipline was modified pursuant to a settlement agreement which was signed on May 8, 2012. Therefore, you are hereby notified that you will be demoted from your position of Sergeant, Item No. 2717A, to the position of Deputy Sheriff Generalist, Item No. 2708A, with this Department effective May 8, 2012.

Pursuant to the settlement agreement, the investigation under File Number IAB 2287006, conducted by Court Services East Bureau, coupled with your own statements, has established the following:

1. That in violation of Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically as it pertains to Manual Section 2-02/080.00, Sergeants), on or about February 26, 2010, while off-duty, you failed to be courteous, respectful, and/or treat a member of this Department with dignity during your interaction with Deputy Danielle Damian (San Dimas station), as Deputy Damian handled a domestic dispute call involving you, as evidenced by but not limited to:

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a) knocking a coffee pot off the kitchen counter and breaking a jar of mustard on the kitchen floor during an argument with [redacted]

[redacted] resulting in your wife slipping and falling to the floor and/or bruising her right hand, right wrist, and right forearm area, and/or;

b) striking a wall in the kitchen, during an argument with [redacted] in such anger resulting in [redacted] concern for the physical welfare of [redacted] that she told investigating officers she had considered going to get her softball bat in order to protect [redacted] and/or words to that effect.

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   b) arguing so vehemently as to cause [redacted] ([redacted] to fear for her mother's safety and/or the safety of her sister ([redacted]), and/or;

   c) following [redacted] upstairs and continuing the argument where your wife was overheard by [redacted] (who was downstairs) to shout or state, "John stop. What are you doing?", and, "[redacted] call the police," and/or, words to that effect, and/or;

   d) breaking into the locked bedroom door where Ms. [redacted] had retreated, while in the midst of you arguing with her, causing physical damage to the door, and/or;

   e) being observed and described by a Chino Police Department sergeant (Sergeant John Vega) as you, "screaming at the top of your lungs" and "just screaming in her face" and "out of control," at Ms. [redacted] and/or words to that effect.

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b) denying using the word "Fuckin'" or "Fucking" when directing comments toward investigating deputies on or about April 19, 2011, as indicated in Deputy Magdaleno incident report and/or affirmed by Deputy Fernandez.

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The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

John H. Clark, Captain
Internal Affairs Bureau

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JHC:CK:liz

c: Advocacy Unit
Employee Relations Unit
Chief Richard Barrantes, Court Services Division
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Office of Independent Review (OIR)
(File #2287006)